

Title: "Mayor Osmeña v. Garganera: Writ of Kalikasan and Environmental Protection in Cebu"

Facts:

- In 1993, the Inayawan Landfill in Cebu City was established with the issuance of an Environmental Compliance Certificate (ECC) by the Department of Environment and Natural Resources (DENR).
- By 2011, Cebu City planned to close the landfill due to various concerns, passing resolutions and executive orders under then-mayor Michael Rama to initiate its closure and rehabilitation.
- In June 2015, the landfill was formally closed.
- In June 2016, Mayor Tomas Osmeña's administration sought to temporarily reopen the landfill, despite the closure, to address city waste.
- Acting Mayor Margot Osmeña sent communications to the Environmental Management Bureau (EMB) of DENR seeking support, and although EMB could not issue a formal notice, they did not object to the reopening, contingent on compliance with commitments.
- The landfill officially reopened in July 2016 but soon faced a Notice of Violation from EMB in September 2016 citing non-compliance with the ECC.
- The Department of Health (DOH) also issued a report recommending immediate closure due to health risks.
- In response, Joel Capili Garganera filed a petition for a writ of kalikasan in September 2016, asserting the landfill's continued operation posed severe environmental harm and violated several environmental laws.

Procedural Posture:

- The Court of Appeals (CA) granted a writ of kalikasan in December 2016, ordering the permanent cessation of landfill operations and its rehabilitation.
- Mayor Osmeña filed a motion for reconsideration, which the CA denied in March 2017.
- Mayor Osmeña then petitioned the Supreme Court to review the CA's decision.

Issues:

1. Whether a 30-day prior notice is required for a citizen suit under R.A. 9003 and R.A. 8749 before filing for a writ of kalikasan.
2. Whether the CA correctly established the requirements for granting the writ of kalikasan.

Court's Decision:

1. ****30-day Prior Notice Requirement:****

- The Supreme Court ruled that the 30-day notice requirement for citizen suits under R.A. 9003 and R.A. 8749 is not applicable to writ of kalikasan petitions. The writ is designed to address urgent and large-scale environmental issues, allowing for direct filing with the higher courts to facilitate efficient resolution.

2. ****Grant of Writ of Kalikasan Requirements:****

- The Court found that the writ of kalikasan was appropriately granted. There existed a violation of the right to a balanced and healthful ecology, evident through various environmental infractions by the landfill operations, such as inappropriate leachate management and air pollution affecting neighboring areas.

- The damage had the potential to impact life and health across multiple cities, satisfying the writ's territorial requirement.

Doctrine:

- The case reaffirmed that the writ of kalikasan is an extraordinary remedy available for significant environmental damage that spans multiple localities, and it does not require the preliminary procedural requirements of ordinary citizen suits.

Class Notes:

- ****Writ of Kalikasan:**** An extraordinary legal remedy for environmental damage affecting life, health, or property across two or more cities or provinces, requiring: (1) a violation of ecological rights, (2) unlawful acts causing the violation, (3) significant magnitude of damage.

- ****Citizen's Suit:**** Typically requires a 30-day prior notice under environmental laws (R.A. 9003 & R.A. 8749), not necessary for writ of kalikasan petitions (RPEC).

Historical Background:

- The Inayawan case reflects broader ecological issues in urban development amid rising waste management needs. The site's reopening highlighted tensions between government decisions and environmental standards, underscoring the ongoing struggle to balance urbanization with ecological sustainability in the Philippines. The intervention illustrated the judiciary's role in enforcing environmental accountability.